

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DA BIAO WU,

Defendant.

NO. CR20-173-JCC-2

[~~PROPOSED~~]

**AMENDED FINAL ORDER OF
FORFEITURE AS TO FINALLY
FORFEITED REAL PROPERTY**

THIS MATTER comes before the Court on the United States' Motion for Amended Final Order of Forfeiture as to Finally Forfeited Real Property (the "Motion"). The real property at issue (the "Real Property") is further described as:

The real property located at 3260 South 301st Place, Auburn, Washington (aka, 30114 32nd Avenue South, Auburn, Washington), parcel number 051855-0020, with the following legal description is:

LOT 2, BARBER WOODS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 268 OF PLATS, PAGES 73 THROUGH 76, RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN COUNTY OF KING, STATE OF WASHINGTON

See Final Order of Forfeiture (Dkt. No. 116).

1 The Court, having reviewed the United States' Motion, as well as the other papers
 2 and pleadings filed in this matter, hereby FINDS entry of an Amended Final Order of
 3 Forfeiture as to Finally Forfeited Real Property is appropriate because:

- 4 • On February 27, 2023, the Court entered a Preliminary Order of Forfeiture,
 5 finding various assets, including the Real Property, forfeitable pursuant to
 6 21 U.S.C. § 853 and forfeiting Defendant's interest in it (Dkt. No. 74).
- 7 • Thereafter, the United States published notice of the pending forfeitures as
 8 required by 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(6)(C) (Dkt.
 9 No. 86) and provided direct notice to potential claimants as required by
 10 Fed. R. Crim. P. 32.2(b)(6)(A) (*see* Declaration of AUSA Karyn S. Johnson
 11 in Support of Motion for Final Order of Forfeiture, ¶ 2, Exhibits A – H).
- 12 • The time for filing third-party claims expired, and none were filed.
- 13 • On March 13, 2024, this Court issued a Final Order of Forfeiture (Dkt.
 14 No. 116), in which this Court ordered that (1) no right, title, or interest in
 15 the preliminarily forfeited assets, including the Real Property, existed in
 16 any party other than the United States; (2) these assets were fully and
 17 finally condemned and forfeited, in their entirety, to the United States; and
 18 (3) the United States Department of Justice, the United States Postal
 19 Inspection Service, and/or their representatives, were authorized to dispose
 20 of the assets as permitted by governing law.
- 21 • On April 9, 2024, the United States Marshals Service (USMS) served a
 22 written Notice to Vacate the Real Property within 45 days from that date,
 23 *i.e.*, May 24, 2024. *See* Declaration of Deputy U.S. Marshal Rony Gilot in
 24 Support of Motion for Amended Final Order of Forfeiture as to Finally
 25 Forfeited Real Property ("Gilot Decl."), ¶ 6 and Exhibit A. The USMS
 26 personally served this written Notice to Vacate on B.N. at the Real
 27 Property. *Id.*

- 1 • On May 23, 2024, the USMS extended the move-out date for any and all
2 occupants of the Real Property to June 9, 2024. *Id.*, ¶ 7.
- 3 • On May 29, 2024, the USMS served a written Extension of Notice to
4 Vacate the Real Property, no later than June 9, 2024, at 11:59 p.m. *Id.*, ¶ 8
5 and Exhibit B. The USMS personally serviced this written Extension of
6 Notice to Vacate on B.N. at the Real Property. *Id.*
- 7 • On June 3, 2024, AUSA Johnson emailed B.N. to remind him of the
8 extension of the move-out date of June 9, 2024. *See* Declaration of AUSA
9 Johnson in Support of Motion for Amended Final Order of Forfeiture as to
10 Finally Forfeited Real Property (“Johnson Decl.”), ¶ 3 & Exhibit B. AUSA
11 Johnson attached the Final Order of Forfeiture, the Notice to Vacate, and
12 the Extension of Notice to Vacate to this email. *Id.*
- 13 • At present, the United States owns the Real Property and has assumed the
14 obligations and risks of its ownership. The continued presence of any and
15 all occupants, and their personal property, in the Real Property prevents the
16 government from performing any necessary maintenance and preparing the
17 Real Property for sale. *See* Gilot Decl., ¶ 9.

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19 Now, therefore, the Court amends its previously issued Final Order of Forfeiture
20 (Dkt. No. 116) and ORDERS as follows with respect to the above-described Real
21 Property:

- 22 1. No right, title, or interest in the above-identified Real Property exists in any
23 party other than the United States;
- 24 2. The Real Property is fully and finally condemned and forfeited, in its
25 entirety, to the United States;

1 3. The United States Department of Justice, the United States Postal
2 Inspection Service, and/or their representatives, are authorized to dispose of the Subject
3 Property as permitted by governing law;

4 4. When the USMS and its agents and representatives take possession of the
5 Real Property, they are authorized as follows:

6 a. To remove any and all occupants of the Real Property and their
7 personal property during daylight hours;

8 b. To be accompanied by any federal, state, or local law enforcement
9 officers the USMS has selected to ensure the safety of any person;

10 c. To use such force as is reasonably necessary to gain entry and
11 remove any and all occupant(s) and their personal property, including breaking locks,
12 removing barricades, and forcibly removing any and all persons or personal property
13 from the Real Property; and

14 d. To change the locks on the Real Property.

15 5. Upon taking possession of the Real Property, any personal property found
16 therein shall be deemed abandoned and may be disposed of at the discretion of the USMS
17 without further liability; and

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1 6. In the event that the USMS should grant any occupant of the Real Property
2 a further extension of the removal date, the procedures outlined in paragraphs 4 and 5
3 will continue to apply.

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5 IT IS SO ORDERED.

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7 DATED this 18th day of June 2024.

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11 THE HON. JOHN C. COUGHENOUR
12 UNITED STATES DISTRICT JUDGE

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19 Presented by:

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